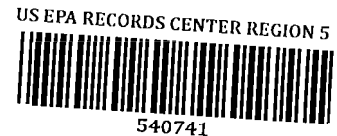




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 17 2016



REPLY TO THE ATTENTION OF:

URGENT LEGAL MATTER –
PROMPT REPLY NECESSARY

SR-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

[Addressees – See attached list]

Re: Special Notice Letter for North Bronson Industrial Areas (NBIA) Site
Operable Unit 2 (OU2); Bronson, Michigan
CERCLIS ID No.: MID005480900

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality (MDEQ) have undertaken response actions at the above referenced Site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 *et seq.*, as amended (CERCLA). These response actions include taking and analyzing samples at and near the Site. EPA has documented the release or threatened release of hazardous substances, pollutants, and contaminants at or from the Site. EPA believes the following response activities are necessary at the Site: 1) complete a remedial investigation (RI) to determine the nature and extent of the contamination at the Site; and 2) complete a feasibility study (FS) to determine and evaluate alternatives for remedial action at the Site.

You have been identified as a contact for one of the defendants in *United States v. City of Bronson, et al.*, in which entities the EPA previously identified as Potentially Responsible Parties (PRPs) agreed to implement the remedy identified in the OU1 Record of Decision (ROD). This letter notifies you that a 60-day period of formal negotiations with the EPA automatically begins with this letter whereby you and other PRPs are invited to enter into negotiations with EPA to conduct the RI and FS at OU2 of the Site. This letter also provides general and Site-specific information to assist you in these negotiations.

NOTICE OF POTENTIAL LIABILITY

The EPA has information indicating that you may be a Potentially Responsible Party (PRP) under Section 107 of CERCLA, with respect to this Site. Under Section 107 of CERCLA, responsible parties include: current owners and operators of the Site; former owners and operators at the time of disposal of hazardous substances; those who owned or possessed hazardous substances and arranged for disposal, treatment, or transportation of such hazardous substances; and persons who accepted hazardous substances for transportation, disposal and/or treatment to the Site.

EPA may perform response actions associated with a release or threatened release of hazardous substances, pollutants or contaminants pursuant to Section 104 of CERCLA. Under Section 107 of CERCLA, EPA can recover those response costs from responsible parties. Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973, as amended (RCRA), and other laws, EPA can order, or ask a court to order, responsible parties, to conduct response actions at a site. Failure to comply with an administrative order issued under Section 106(a) of CERCLA may result in a fine of up to \$25,000 per day, under Section 106(b) of CERCLA, or imposition of treble damages, under Section 107(c)(3) of CERCLA. In addition, responsible parties may be liable for damages to natural resources at a Site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

Under Section 122 of CERCLA and general settlement authority, EPA can enter into settlement agreements with PRPs that require PRPs to conduct response under Section 107 of CERCLA. EPA has determined that use of the Section 122(e) special notice procedures specified in CERCLA may facilitate a settlement between EPA and PRPs for this Site. Therefore, under Section 122 of CERCLA, this letter triggers a 60-day moratorium on certain EPA response activities at the Site. During this 60-day period, the PRPs, including you, are invited to participate in formal negotiations with EPA. You are also encouraged to voluntarily negotiate a settlement providing for the PRPs, including yourself, to conduct or finance the response activities required at the Site. The 60-day negotiation period ends on the 60th day from the date of this letter. The 60-day negotiation moratorium will be extended for an additional 30 days if PRPs provide EPA with a good faith offer to conduct and finance the Remedial Investigation/Feasibility Study (RI/FS), on or before 60 days from the date of this letter. If EPA determines that the PRPs have submitted a good faith offer, EPA will extend negotiations until 90 days from the date of this letter. If settlement is reached between EPA and the PRPs, the settlement will be embodied in an administrative order on consent for RI/FS.

FUTURE RESPONSE ACTIONS

EPA plans to conduct the following CERCLA activities at the Site:

1. Initiate a RI/FS for OU2 on or about 90 days from the date of this letter;
2. Issuance of a proposed plan for OU2 at the Site; and
3. Issuance of a ROD selecting a final remedy for OU2 at the Site.

WORK PLAN AND DRAFT CONSENT ORDER

A copy of EPA's draft Administrative Order on Consent (AOC) and Statement Of Work (SOW) are attached. These are provided to assist you and other PRPs in developing a good faith offer for conducting the RI/FS.

GOOD FAITH OFFER

As indicated, the 60-day negotiation moratorium this letter triggers may be extended for 30 days if the PRPs submit a good faith offer to EPA. An offer to conduct or finance the RI/FS must include a written proposal that demonstrates the PRPs' qualifications and willingness to conduct or finance the RI/FS and must include the following elements:

1. A statement of the PRPs' willingness to conduct or finance the RI/FS that is consistent with EPA's SOW and draft AOC, and provides a sufficient basis for further negotiations.
2. A demonstration of the PRPs' technical capability to carry out the RI/FS, including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select the firm(s).
3. A demonstration of the PRPs' capability to finance the RI/FS.
4. A statement of willingness by the PRPs to reimburse EPA for costs incurred in overseeing the PRPs' completion of the RI/FS.
5. The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

If your offer contemplates modifications to the AOC or SOW, you must make revisions to the enclosed proposed AOC and SOW and submit this version to EPA prior to the expiration of the 60-day negotiation moratorium. Your response should provide reasons for, or the basis of, such modifications to the proposed AOC and SOW. Major modifications to the AOC and/or SOW may not be considered a good faith offer by EPA.

INITIAL CONFERENCE

To further facilitate your and other PRPs' ability to present a "good faith offer" within the 60-day time limit, EPA proposes an initial settlement conference at the proposed following time and place:

Date, Time: June 13, 2016, 10:00 a.m. central time

**Place: U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604**

Please contact Timothy Maley - Remedial Project Manager at (312) 886-6623, regarding the proposed meeting.

INFORMATION RELEASE

EPA is providing a list of names and addresses of PRPs to whom this notification is being sent. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site.

DEMAND FOR PAYMENT

With this letter, EPA notifies you that it will seek reimbursement of unpaid costs associated with OU2 incurred to date, and encourages you to voluntarily negotiate an AOC under which you and other PRPs agree to perform the RI/FS.

In accordance with CERCLA, EPA already has undertaken certain actions and incurred certain costs in response to conditions at the Site. Such costs include, but are not limited to, expenditures for past investigations, planning and response, oversight, and enforcement activities.

As indicated above, EPA anticipates expending additional funds for the RI/FS. Whether EPA funds the entire RI/FS, or simply incurs costs by overseeing the parties conducting these response activities, you are potentially liable for these expenditures plus interest. As of the date of this letter, EPA intends to account for costs incurred for OU2 separately from costs incurred for OU1, so as to allow continued annual billing of OU1 costs, and to make demand for payment for OU2 negotiations costs at the time a settlement is reached and an AOC entered, with annual billing of all response costs thereafter.

ABILITY TO PAY - FUTURE FINANCIAL REVIEW

If your company wishes to settle, but would face a severe financial hardship by remitting the full payment amount, you may request that EPA review your financial ability to pay. Under EPA policy, it is possible in appropriate circumstances for the payment to be made in installments. This may be considered as part of EPA's financial review. To process a claim of financial hardship, EPA will require you to substantiate that claim by submitting detailed financial documentation. A complete description of EPA's financial review process is available upon request.

Also note, because EPA has a potential claim against you, you must include EPA as a creditor if you file bankruptcy.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company or organization who will represent its interests.

ADMINISTRATIVE RECORD

Pursuant to CERCLA Section 113(k), EPA must establish an Administrative Record (AR) that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files will be available to the public for inspection and comment at:

**The Superfund Records Center
U.S. EPA, Region 5
77 W. Jackson Blvd., 7th Floor
Chicago, Illinois 60604
Hours: 8:00 a.m. – 4:00 p.m. (Monday – Friday)
(312) 353-7626**

Copies of documents in the administrative record file will be available for public inspection at a local repository that has already been established for this Site:

**Bronson Branch Library
207 North Matteson Street
Bronson, MI 49029-1308
(517)-369-3785**

PRP RESPONSE AND EPA CONTACT PERSON

Please contact EPA by no later than 14 days after your receipt of this letter to indicate your willingness to participate in negotiations at this Site. You have 60 calendar days from this notice to provide EPA with a good faith offer, in writing, demonstrating your willingness to perform the RI/FS. You may respond individually or through a steering committee if such a committee has been formed. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response, and that you have declined any involvement in performing the response activities.

Your response to this notice letter should be sent to:

Timothy J. Maley PG - Remedial Project Manager (RPM)
USEPA Superfund Division (SR-6J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law at <http://www.epa.gov/brownfields/laws/sblrbra.htm> and review EPA guidances regarding these exemptions at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

In addition, if you are a "service station dealer" who accepts used oil for recycling, you may qualify for an exemption from liability under Section 114(c) of CERCLA. EPA guidance regarding this exemption can be found on the Internet at <http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/>.

If you believe you may qualify for the exemption, please contact contact Thomas Williams, Associate Regional Counsel at (312) 886-0814 or Timothy Maley, Remedial Project Manager at (312) 886-6623 to request an application/information request specifically designed for service station dealers.

EPA has created a number of helpful resources for small businesses. EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers which

offer various forms of resources to small businesses. You may inquire about these resources on the Agency's website at <http://www.epa.gov>. In addition, information on contacting EPA's Small Business Ombudsman is available at <http://www.epa.gov/sbo>. Finally, EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter.

If you have questions of a technical nature, please contact Timothy Maley at (312) 886-6623. For legal questions contact Thomas Williams, Associate Regional Counsel, at (312) 886-0814.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Tanaka". The signature is fluid and cursive, with the first name "Joan" and last name "Tanaka" clearly distinguishable.

Joan Tanaka, Chief
Remedial Response Branch 1

Enclosures:

1. PRP List
2. Proposed Statement of Work (SOW)
3. Proposed Administrative Order on Consent (AOC)
4. SBREFA Fact Sheet

cc: T. Williams, C-14J
T. Maley, SR-6J
Michigan Department of Environmental Quality (MDEQ)

ENCLOSURE 1

Bronson Plating Company, Inc.

Stanley R. Welch – President

P.O. Box 69

Bronson, MI 49028

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Christopher J. Dunskey (P13 031)

Attorney for Bronson Plating Company

Honigman Miller Schwartz and Cohn

2290 First National Bldg.

Detroit, Michigan 48226

Phone: 313-465-7364

City of Bronson

David J. O'Rourke - City Manager

141 S. Matteson St.

Bronson, MI 49028

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Karen A. Smith

City Clerk

141 S. Matteson St., Bronson, MI 49028

Phone: (517) 369-7334

ITT Automotive Company

Usha Wright – V.P. & Associate General Counsel

4 West Red Oak Lane

White Plains, NY 10604

Agent Authorized to Accept Service on Behalf of Above-signed Party:

David L. Tripp

Attorney for ITT Automotive, Inc.

Dykema Gossett, 400 Renaissance Ctr., Detroit, MI 48243

Phone: 313-568-6748

L. A. Darling Company

R. C. Gluth - Vice President and Treasurer
c/o The Marmon Group, Inc.
225 W. Washington Street
Chicago, IL 60606

Agent Authorized to Accept Service on Behalf of Above-signed Party.

The United States Corporation Company

Ms. Sonva L. Cordell
1013 Centre Road. Wilmington. DE 19805-1297
Phone: 800-927-9800

The Scott Fetzer Company

Timothy S. Guster – V.P. and General Counsel
23800 Clemens Road
Westlake, Ohio 44145

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Timothy S. Guster
Vice President & General Counsel
28800 Clemens Road.
Hestlake. Ohio 44145
Phone: 440-392-3000

The United States Corporation Company
Ms. Sonva L. Cordell
1013 Centre Road.
Wilmington, DE 19805-1297

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RETURN TO SENDER
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